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7 Pro Se [Select one: Plaintiff or Defendant]

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MAR 07 2022

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 [Select one location: San Francisco / Oakland / San Jose / Eureka]

11 Shameim Lowther

12 Case Number: 3:21-cv-04735-JCS

13 Plaintiff(s),

14 Title of Document:

15 vs.

16 Tesla

17 Case management Statement

18 Date: 3-10-2022

19 Time: 1:30pm

20 Judge: Hon. Edward M. Chen

21 Defendant(s).

22 TITLE OF DOCUMENT: _____ CASE NO.: _____

23 PAGE NO. ____ OF ____ [JDC TEMPLATE]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Lowther,

vs.

Tesla INC.

)

) Case Number: 3:21 -cv-04735-JCS

)

) **JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED] ORDER**

)

) *Initial case management conference*

) *Date: 3-10-2022*

) *Time: 1:30pm*

) *Judge Hon. Edward M. Chen.*

)

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The parties to the above-entitled action jointly submit this JOINT

Page 1 of 7

CASEMANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the *Standing Order for All
Judges of the Northern District of California* and *Civil Local Rule 16-9*.

1. Jurisdiction & Service

The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.

2. Facts

Telas Kato road lab for batteries has occupational segregation. There is one black (african) manager (among 25), One bi-racial black female engineer (among 40+), there is one black female quality technician (among 30+), and one african (engineer they made a quality technician). The production associates there were 4 black employees per shift, and in the new lab factory there was a concentrated number of black employees doing heavy labor. There was no diversity for black people in Tesla non-labor roles within the new factory. As a result you deal with microaggressions daily as a diversity hire.

Everyone (managers, supervisors, leads, quality technicians, engineers) except for the production associates and factory workers have flexible breaks and lunches and usually take them at will.

December 19, 2020 around 5:30pm I notified my supervisor that I was going to take my last two breaks. The production associate's break was from 5:15pm-5:30pm. After the production associates left I was able to sit down. I had my backpack on the chair behind me. I leaned on my left side crossing my right leg over my left knee which was on the floor. My left elbow on my bag as I rested my head on my left hand (still sitting upward looking at the ceiling) decompressed from the workday.

Thomas (Hynuk) Nam inches in distance hovered over my head standing aggressive in his speech stating "you can't lay down here get up! Why are you laying down?! Get up! Are you sick?! Tell me your name! What is your name? He blocked the light but as he moved his head the light behind him glared onto my face shield. *I was trying to make sense of what he was saying and asking me* "hold on, wait a minute, what's going on, who are you? He said, "No, who are you? Tell me your name, let me see your badge. *Before I could respond or even sit up and move away from him he came in closer and abruptly grabbed for my badge so aggressively he grabbed my right breast, and bra cuff.* I told Thomas (Hyunk) Nam to let go and that he was grabbing my breast. Immediately after Thomas (Hyunk) Nam backed up, paused and then said, "I am calling security to take you out of here since you won't give me your name, and on Monday I will contact your supervisor, the manager, Hr, ehs, and have you fired this week." I replied "you put your hands on me and you are calling security on me. For taking a break. I don't know who you are. You walked up to me demanding and scrutinizing me, stood over me, and grabbed me. Thomas (hynuk) Nam said, "this area is for visitors only not employees to take their break-okay I'm calling your supervisor." Thomas (Hyunk) Nam changed his whole tone of voice from being aggressive and irate once he called and spoke to Louis the production associate supervisor. He said he has one of his production associates taking a break and not working.

I heard Louis say his name and I repeated it. He said "yes now please tell me your name." *I sat there in silence trying to process what just happened to me in a frozen state of disbelief.* After some time when before he left to get security I accused Thomas (Hynuk) Nam of being no different than a racist Karen. Harassing me, assaulting me, and playing victim. Thomas (Hyunk) Nam then went to get security.

Security arrived, my lead Kamran Memon came out along with my co-workers. Thomas (Hynuk) Nam said that he wasn't sure if I was an employee with Tesla, and that I was lying down. I then blurted out in front of everyone that he came up to me and grabbed my breast. Everyone paused and looked at him. Kamran Memon and Derrick Coelho pulled Thomas (Hynuk) Nam to the side and spoke with him. Shortly after they all approached me. Kamran Memon told him that he can't grab on to a woman like that. I restated what happened. Thomas (Hynuk) Nam apologized. Shortly after I left for the cafeteria (2 blocks in distance) to grab my belongings and Thomas (Hynuk) Nam followed me about 5 feet in distance and then stopped me to ask about the statement (*I expressed my unhappiness and experience with duplicity and racism and also compared Tesla to a prison*) I made when I confronted him. He then offered me a position working under him with a better position. He asked my background and then my former supervisor Leatrice Ayala, and Phillip Park walked up to the both of us. Leatrice said, "oh you know Shameim? She took Tesla by a storm. She trained several new and existing employees, she made instruction manuals, and is trained all over the departments to do everyone's job. Phillip Park said, Shameim just trained me today." Thomas said yeah I want to get her to work on my team. We all left and parted ways.

I received a call from my supervisor Emanuel Robles apologizing for what happened. He told me to take time off if I needed to and that he would report what happened to human resource.

December 22, 2020 nothing was reported and everyone pretended as if it never happened. I called human resource. I was told they would deal with it after the new year. I decided to email a formal complaint since nothing was reported.

Thursday December 24, 2020 I returned to work. The whole department was cleared out completely. My co-workers are gone, my daily work is gone, everything is empty. Just me in an all white lab. A place that fills more than 50 people all moved upstairs and to different departments to work. I was told that it was for the safety of everyone that the lab has to be clear due to the accusations I made. I was isolated and punished for reporting it. My co-workers told me that they can't communicate with me, or give me work. As a result I went through all of Teslas training manuals and taught myself all morning. Afterwards, I went to lunch and ran into Thomas (Hynuk) Nam in the walkway. I was startled because I didn't expect to see him after I reported him. He attempted to communicate with me but I walked off the other way. My supervisor Emmanuel Robles told me that there is nothing that they could do to make me feel safe outside of what HR will do because he is a general operations manager and has a right to be anywhere in the factory. Thomas (Hynuk) Nam approached me in the cafeteria. I didn't say a word as he spoke to me, I just looked down. Neal Joseph was present. Thomas (Hynuk) Nam didn't eat lunch but glared and paced back and forth for at least 20 minutes which made me feel unsafe. After that I decided to make a police report to seek protection.

I made a police report. Statements were given by all parties. Kamran Memon, and Derrick Coelho both witnessed and heard Thomas (Hynuk) Nam tell them that he did grab me. They gave that statement to the police. It should be recorded. However the officers said it's hearsay because they did not witness it so they left that statement out of the report.

Thomas (Hynuk) Nam said to the officers that he apologized only for being aggressive but he didn't touch me.

Zoe Anderson-Cole was there behind Thomas (Hynuk) Nam and heard Thomas (Hynuk) Nam being verbally aggressive towards me and me telling him to not touch me but didn't witness the physical incident.

The officers told me that there is nothing that they can do because no one saw anything and advised me to get a restraining order and take it to civil court. My request from the officers was to ask Thomas (Hynuk) Nam to keep his distance from me and he agreed.

When the police left my supervisor Emmanuel Robles asked me if I was scanning and stealing Tesla's information on the laptop to a usb. After that I didn't feel safe at work.

December 25, 2020 I returned to work with the same conditions where no one spoke to me, and I was told by a coworker that they couldn't give me any batteries to dissect. I spoke with my supervisor Emmanuel Robles. In the midst of the conversation he interrupted me and said that I was going to get written up for coming to work without steel toe boots. I showed him an email confirmation of the work boots website where I purchased them from xena website. While we were speaking Thomas (Hynuk) Nam came into the area in which we were and began pacing and glaring again. I pointed it out, and Emmanuel shrugged his shoulders. I just left and called my medical provider and explained everything crying and I was given a note for medical stress leave. Even with that note I was told to take a day off the following day so I wouldn't be written up. I didn't understand but I did.

December 28, 2020 I filed for a temporary restraining order to ensure my personal safety while at work. I was unable to serve (sheriffs Dept.) Thomas (Hynuk) Nam and as a result I didn't return to work.

January 7, 2021 Meeting with HR canceled at 11:00am by HR

December 26, 2021-March 23, 2021 Denied me for workers comp and disability through Sedgewick. They didn't process my claim until March 10th and backdated it for December 26, 2020. Gave me less than a week to fill out the paperwork and denied my claim for lack of information due to it being 3 months late.

March, April 2021 I had limited communication with HR Tracy Thomas. I was told that the investigation was concluded and sent an encrypted outcome in which I had no access to due to being on leave.

January-July 2021 I used Lyra Counseling services provided to me for the incident

September-December 2021 I was told by HR to return to work. I was told that nothing was substantiated and that Thomas is still there. I was told that I could work a different shift. However both shifts Thomas is there. Thomas works Monday-Saturday 8-6pm, and I worked Wednesday-Saturday B shift 6am-6pm. I was offered A shift Monday-Wednesday 6am-6pm. I was also told that Thomas would be in my area. When I asked how they ensure that I was told they can't. When I mentioned a restraining order I was told that he cannot be served on the premises nor can HR receive it.

December 17, 2021 Shortly after I received a letter of termination after refusing to return to the same hostile environment.

The FACT IS I was racially profiled through his microaggression assumption about my seniority. I was verbally harassed, sexually, and aggressively assaulted. Thomas (Hynuk) Nam approached me, stood over me, enclosed my personal space and grabbed with a terrifying degree of hostility and disregard for me as a woman or human being. He scared himself in that moment. He backed up and looked at me. Caught himself. Got really calm then threatened to fire me, call security, and called my supervisor and played victim.

After I defended myself I was threatened with Job loss, had a supervisor, and security called on me. Thomas (Hynuk) Nam told security he was worried that I was sick. Thomas (Hynuk) Nam also stated that he didn't know if I was a Tesla employee. A person concerned with one's well being does not behave in the manner in which I was treated.

When it all happened management was apologetic and concerned. The following days management pretended as if nothing happened and nothing was reported. Once I filed a report with HR I was isolated and harassed. Once I made the police report I was retaliated against and picked on. After I left they refused to acknowledge the incident so I didn't receive workers comp, or disability although I had a medical note. Once a decision was made Tesla said the incident was unfounded like it never happened. I was pressured to return to work into the same conditions and I refused to be subjected to the same space in which I left. I was let go because of job abandonment.

3. Legal Issues

A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.**4. Motions**

Anticipated motions will be filed on behalf of my attorney's office after they go through everything submitted.

5. Amendment of Pleadings

I expect claims, defenses to be added, dismissed, and proposed after my counsel obtains all motions and filings that were made on my behalf.

Plaintiff Shameim Lowther has retained counsel as of Saturday February 26, 2022. The law firm representing me has another team handling my case and were just notified and received my case Friday, March 4, 2022. Monday March 7, 2022 I am sending all related documents in my possession to my attorney's office to go over everything submitted as a pro-se litigant. February 8, 2022 I turned in my case **Docket # 26** management statement. I was unaware that the joint case management statement was different so I didn't notify my attorney until March 4, 2022. I missed the deadline March 3, 2022. I apologize to the court for my misunderstanding. I am submitting something, however I intentionally left most of my case management statement blank because my attorney will need to answer these questions once privy to all documents submitted.

6. Evidence Preservation

I have text messages from Teams, email correspondence, police records, video recording (after assault, and me confronting Thomas (Hynuk) Nam) , and witness statements if there is a subpoena made for persons (Emmanuel Robles, Kamron Memon, Zoe Anderson Cole, Neal Joseph, Phillip Park, Derrick Coelho, and Leatrice Ayala) to testify.

7. Disclosures

8. Discovery

9. Class Actions

10. Related Cases

There are other related cases and proceedings pending before another court or administrative body.

11. Relief

12. Settlement and ADR

13. Consent to Magistrate Judge For All Purposes

Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment. X YES NO

14. Other References

15. Narrowing of Issues

16. Expedited Trial Procedure

17. Scheduling

18. Trial

19. Disclosure of Non-party Interested Entities or Persons

My attorney is : Arias Sanguineti Wang & Torrijos LLP
6701 Center Drive West, 14th Floor
Los Angeles, Ca. 90045
(310) 844-9696

1 **1. JURISDICTION**2 *Mark the option that applies to your case.*

3 This Court has subject matter jurisdiction in this case under:

4 Federal question jurisdiction because it is about federal laws or rights. *[List the laws*5 *or rights involved] Title VII of the Civil Rights Act of 1964 makes it illegal for employers to allow anyone to be sexually harassed / racially discriminated by anyone*6 Diversity jurisdiction because none of the Plaintiffs live in the same state as any of the

7 Defendants AND the amount of damages is more than \$75,000.

8 **2. SERVICE**9 *Complete the table to show when each defendant was served with the Complaint and whether*
10 *any defendant will argue that this Court is not the correct one to decide this case.*

11 Defendant's Name	12 Date Served or 13 Expected to Serve	14 Does Defendant dispute 15 that the Court has 16 personal jurisdiction?	17 Does Defendant 18 dispute that this is the 19 correct venue?
Tesla Inc.,	2-8-2022	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

20 Check box if there are more defendants, and provide the above information for each
21 defendant on an additional page at the end of this document.22 **3. FACTS**23 *Give a short description of the important facts in this case including facts that you and
24 the other side disagree about. Add an additional page if needed.*

On 12/19/2020 I was profiled and racially targeted while on my break that lead to harassment, sexual assault, security called on me, my employment threatened only to receive an apology and job offer moments later by my assailant who is a general operations manager. Tesla HR failed to meet with me to complete their investigation, in fact canceled the meeting 1/7/2021 @ 3pm and made their decision stating that everything is unfounded. There were witnesses attesting to what the two, were told by the assailant. I have a recording that has me reiterating the incident and the general manager apologizing.

1 4. LEGAL ISSUES

2 Briefly explain the laws the Plaintiff says the Defendant violated.

3 The Defendants violated my civil rights, human rights by
 4 not filing a report when the incident happened, The failed to
 5 keep me safe in the workplace after it was reported. I
 6 was retaliated against, and my employer created a hostile
 7 work environment. My job duties were taken away. I was
 8 isolated, bullied, and even accused of stealing teslas data.
 9 My assant was racially provoked.

10 reference: Barraza v. Tesla Inc. Case # 21cr002714 sexual harassment.

11 Owen Diaz Case# 3:17-cv-6748 - discrimination
 12 DFEH Shows Tesla has over 40 cases from 1/1/2020- 12/31/2020 relating to the same issues and incidents.

13 Complete the table to list any motions that have been filed or might be filed.

14 Party filing motion	15 Type of Motion	16 Date of Ruling (or "pending" or "to be filed")
17 Plaintiff	18 Opposition to motion 19 filed for Plaintiff to Compel 20 to arbitration.	21 2/18/2022
22 Plaintiff Counsel	23 will file for a possible continuance to prepare & go over pro-se case	24 3/10/2023 or before.

25 Check box if there are more motions and add a page at the end with additional information.

19 6. AMENDING THE COMPLAINT, ANSWER, COUNTERCLAIM/CROSSCLAIM

20 Mark one option to tell the Court whether you plan to change your claims or defenses.

- 21 • The submitting party [name] _____

22 does not plan to amend the Complaint.23 plans to amend the Complaint by [date] _____24 Check box if you need to list more parties, and provide the above information for each party
25 on an additional page at the end of this document.

26 ||

27 ||

7. EVIDENCE PRESERVATION

Parties to a lawsuit must make sure that they are protecting and not destroying evidence that might be used in the case. Check the correct box or boxes.

- The submitting party [name] Shameem Lowther has
 - reviewed the Guidelines for the Discovery of Electronically Stored Information
 - spoken with the opposing parties about preserving evidence relevant to the issues one could reasonably understand to be part of this case
 - plans to do the above by [date] 2/25/2022

Check if you need to list more parties, and provide the above information for each party on an additional page at the end of this document.

8. INITIAL DISCLOSURES

Initial Disclosures are lists of information that the parties must send each other at the beginning of a case. Check the box that applies, and provide the agreed date if needed.

- Parties have sent each other Initial Disclosures.
 - Parties have not yet sent each other Initial Disclosures, but agree to exchange

them by [date]. Tesla won't cooperate with me, only wants abstration.

9. DISCOVERY

Give a short description of what you plan to investigate during discovery and if there are any discovery issues.

I have collected evidence from the day of the incident texts, team chats, witnesses to support my claims. In addition I recorded after the incident occurred, but it proves he apologized for assaulting me. I have witness proving he offered me work after it happened. I have the police report w/ witness statement that was limited in the report, I would need to subpoena witnesses.

10. CLASS ACTIONS

Not applicable.

11. **RELATED CASES**

2 Check the correct box to explain whether you are aware of any cases related to this one.
 3 If you check the second box, list the case number and the court, government agency, or other
 4 administrative body that will decide that case.

5 The party submitting this statement

6 is not aware of any related cases.

7 is aware of related cases [list cases]: Barraza v. Tesla # 21cv002714,
 8 Owen diaz # 3:17cv6749, and 30+ more from DFEH dating
 9 1/2020 - 12/31/2020

10 12. **RELIEF SOUGHT**

11 State what the Plaintiff wants from the Defendant, or wants the Court to do, including
 12 any amount of money sought and how that amount was calculated. If a Defendant filed a counter
 13 or crossclaim, state the same information for the Defendant. Insert a page if needed.

14 I am seeking damages to compensate for the injuries
 15 caused by the defendant. I was violated, and faced constructive
 16 discharge. I was discriminated against, harassed, assaulted,
 17 and placed in a hostile work environment thus forcing me to
 18 take medical stress leave that caused me a variety of
 19 financial losses and other injuries.

20 13. **SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION ("ADR")**

21 Check at least one box in each section. If you need information to help you decide how to
 22 resolve the case, explain what that information is.

23 The parties:

24 have tried to settle the case.

25 have not tried to settle the
 26 case.

27 The submitting party agrees to the following form of

28 ADR:

Settlement conference with a magistrate judge

Mediation

Other _____

29 Information needed: Tesla wants to arbitrate only and stay the
 30 case here in federal court to only have it dismissed.

14. **CONSENT TO HAVE A MAGISRATE JUDGE HEAR THE CASE**

1 Mark one option to let the Court know if you consent to have a magistrate judge hear the case.

- 2 • The submitting party [name] Shameem Lowther

3 does consent to a magistrate judge.

4 does not consent to a magistrate judge.

5 Check box if you need to list more parties, and provide the above information for each party
6 on an additional page at the end of this document.

7 **15. OTHER REFERENCES**

8 In unusual cases, the judge may refer a case to another decision-maker. If this is one of
9 those cases, cross out "Not Applicable," and write in who should hear this case.

10 Not applicable.

11 **16. NARROWING OF ISSUES, CLAIMS, OR DEFENSES**

12 Use this section to explain if issues in this case could be resolved by agreement or by
13 written papers submitted by the parties ("motion"). Check the box that applies, and explain.

14 Not applicable.

15 Issues that can be resolved by agreement: _____
16 _____

17 Issues that can be resolved by motion: _____
18 _____

19 **17. EXPEDITED TRIAL PROCEDURE**

20 If you have questions about the Court's Expedited Trial Procedure, contact the Legal
Help Center.

21 Not applicable.

22 **18. SCHEDULING**

23 The Court usually fixes the case deadlines. If you want to propose a schedule, you can
24 do so below. Be sure you will be in town and able to meet any deadlines proposed.

25 Agree to have Court set deadlines.

26 Proposed deadlines:
27 _____
28 _____

29 unable to be present 3/26/2022 - 4/3/2022

19. TRIAL

2 Check the box that applies and estimate how long the trial will last.

3 This case will be tried by a jury. The trial is expected to last ? days. *However long it takes.*4 This case will be tried by a judge. The trial is expected to last days.5 **20. DISCLOSURE OF NON-PARTY INTERESTED PERSONS OR ENTITIES**6 This Section tells the Court if anyone who is not named as a party in the case will be affected by
7 the outcome. Usually, if you are representing yourself, the answer is "None." If there is an
8 "interested party," cross out "None" and write in the names.

9 None.

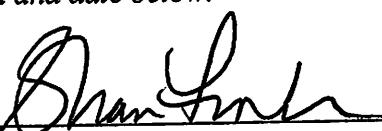
10 **21. OTHER MATTERS**11 Use this section to discuss other issues that would assist with the just, speedy, and
12 inexpensive resolution of this case.

13 I have recordings the day of the incident that HR refused to see
 14 Contact, Subpoena, writ habeus corpus witnesses to what Ilistento,
 15 plaintiff stated. - Betty Williams (coworker) - isolated me with him.
 16 - Neal Joseph (coworker) - with me during pulse report
 17 - Kamran Memon (lead) was present - witnessed assailant say what he did.
 18 - Emmanuel Robles (supervisor) was present, around during retaliation
 19 - Demirk (contracted Head of security) - witnessed assailant "admit" to ^{assaulting} _{me} that he
 20 - Zoe Anderson Cole - (co-worker) - was behind assailant when he was being
 21 - Phillip Park (coworker I trained) present when assailant offered me a job with him.
 22 - Leatrice Ayala (former supervisor) present when offered a job by assailant.

23 NOTE: This document should not be longer than ten pages, including any pages you add at the
24 end. Each party submitting this statement must sign and date below.25 Date: 2-8-2022

26 Sign Name:

27 Print Name:

28 
Shameem Lowther

Pro se

1 Use this page if you need additional space for any Section. Be sure to write the Section number.
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7 Please
8 See attached 3 pages.
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21. OTHER MATTERS

Race continues to influence how people of African descent in the United States are treated by others. Racism has been a systematic feature of American society and all of its institutions since this nation's inception. Implicit and overt biases and practices have historically played a role in creating disparate gaps with African Americans.

Tesla is just a step above being on a plantation to sharecropping along the lines of prison structure with Jim Crow ideologies in which every other race adapts to the discriminatory behavior of treatment towards Black people. I have experienced a myriad of racial microaggressions and person-to-person interactions that have impacted my job satisfaction.

As a black woman I was faced with a double edge sword working at Tesla. It is a predatory behavior environment that perpetuates sexism, harassment, and violence towards women. One reason being is that Tesla needs bodies to fill the factory and as a result it resembles an overcrowded prison pipeline to Tesla. You have convicted felons of every crime imaginable, and active drug users.

Tesla combats crimes, incidents, discrimination, acts of violence, and assault by having their own society and injustice system within the walls of the factory. Tesla has their own human resource, medical providers, safety team, Attorneys, and retired judges who are paid by and work for Tesla. Tesla has the Fremont police department in their pockets (they get free cars). I called the Fremont police department. After waiting for over an hour I received a call from a private number from a sexual assault detective telling me the officers were too busy to come and take my report and to come into the police department on my day off rather than sending officers to the factory. I asked for the watch commander and made several more emergency calls until officers finally arrived. Tesla breaks the laws all the time. During the unknown state of the world, stay at home orders, and heightened stage of the Covid pandemic Elon sued and also threatened to move Tesla's factory (his money & jobs) out of California. This changed the nature of Tesla being a manufacturing car company to a research lab to force workers to stay up and running at the risk and health of its workers.

I was duped into an unconscionable arbitration agreement. My reason is as follows: I was hired by Tesla in a mass hiring event. I reported to the Marriott hotel at 5 am. I waited in line outside for 2 hours with over a thousand people. Once inside there were more lines to check in, take a photo, wait for your badge, turn in identifying documents, and sign documents. The whole process of signing documents was on an ipad in persons of 5 and everyone was universally told to just sign at the signature lines due to the event starting and being seated. We were told once we are on board we can go back and log in to see our offer letter. Standing there in the crowd we all waited and did everything with no questions asked. Once in the convention center there was a big presentation exemplifying (music, noise, and excitement) the history, and highlights of working with tesla. We were sold on stocks, job advancement, free transportation, health insurance, uber cards, dental, free therapy, bonuses, life insurance, covid pay, and more. We all walked through downloading Tesla apps on our phones but did not have access right away due to not officially being in the system. At 3:00pm we were given instructions to purchase safety boots that everyone stood in line for 3 more hours of waiting in the parking lot. You get home late. You have zero access to Tesla apps or to anything you signed. The following day you

return to the factory for onboarding all day. You Are given clothing, masks, assigned work, a location to report and a title. Day 3 you are on your own and you never see anyone again. You have to find your way and navigate everything. You literally have to be at work an hour before you start in order to get parking. There is traffic on the freeway. Traffic in Tesla's limited parking lots, and you wait for shuttles to take you to the factory which is an exit away. You work 10-12 hour shifts "standing and performing monotonous tasks repeatedly while facing ridicule and dehumanization from engineers due to their failed trials." You were asked and at times pressured to stay longer. At times you work 10+ days straight with no time off. You wake up before the sun comes up and you go home when the sun has already set. HR doesn't give you access until you are a week in. By that time you are overworked, and left with little to no time with breaks after taking off your PPE (robe, hat, gloves, vest), waiting in lines and walking to the restroom or cafeteria it's time to go back to work and put them all on in under a 15 minute break. So you become a worker bee never slowing down except to sleep a few hours a night unless you live in the parking lots, sleeping in your car, or have campers on the side of the road from the factory.

I did not read the arbitration agreement or had any knowledge that I signed it at the time of Hire until I was presented with it in September 2021 by a Tesla attorney who told me I didn't have an option but to arbitrate and to make it easier for everyone to comply now to save paperwork because I will get denied in federal court and lose.

It was a mass hiring in October 2020. We were told to sign everything and read it later. No one was given the opportunity to read anything in fine print. We knew that this was the documentation to sign on Tesla's ipad with a myriad of many documents to get a job. Everyone just signed it making the arbitration agreement unconscionable.

Tesla misrepresented their contract. I explained the conditions of the hiring process to show that there was no way for any individual at that time (mass hiring event) during the hiring process to take the time to read, understand what they were reading and signing. While the employer took our social security card, drivers license, and other supporting documentation to take a photo of it we were given an ipad to scroll and sign. There were about 5 people with ipads doing the onboarding for everyone (a thousand plus) which makes it impossible for anyone to have time to read anything.

The arbitration agreement is in itself inherently unequal and in the favor of the employer due to the terms of power differential Tesla holds an advantage using their paid retired judges to ultimately decide.

HR from Tesla told me in October 2021 that the assault that took place 12/19/2020 was unfounded and never happened. My assailant is still there, however there would be no contact between either of us, and that I needed to return to work. When I stated that I obtained an emergency TRO I was told that it was against Tesla's policy to have him served at work, or in the parking lot, and that HR would not accept it. I stated that I didn't feel safe due to my assailant working Monday-Friday 8-6. If I were to work my original B shift 6am-6pm

Wed-Saturday I would see him or A shift which is what was offered to me Sunday-Wednesday 6am-6pm in the same area of the factory. I refused. HR at Tesla voluntarily fired me in December 2021 for job abandonment.

My civil rights were violated as woman, a black woman, a muslim, and a human being. I was racially targeted, harassed, sexually assaulted and as a result for filing a grievance I was retaliated against, harassed, and isolated.

I consented with mediation, and a conference with the Magistrate Judge where I believe I would receive a fair hearing outside of Tesla's control. I have been verbally harassed by Tesla's attorneys telling me that they will force me to compel and meet with them if I don't comply. The arbitration agreement I signed upon hire is what is being used to file a motion to have the case stayed and moved to arbitration.

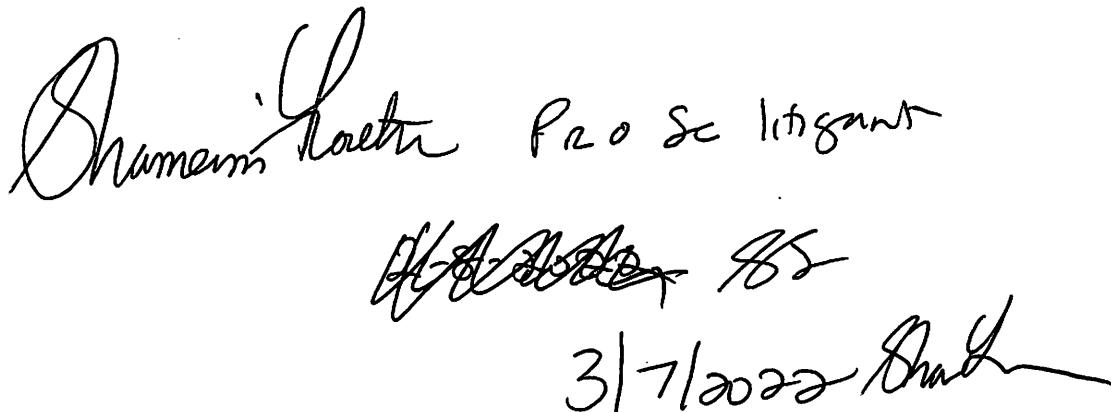
Your honor I plan to file a motion of opposition to the motion to compel me to their arbitration. Tesla will use JAMS which is the most common arbitration with former judges that they pay to be on their board. Tesla is asking to stay the case. I will not get a fair hearing with their process and it will eventually get dismissed in federal court. I'm at a disadvantage because Tesla has already made what happened to me non-existent.

I have statements, and witnesses willing to attest to what was stated to them, and what they saw.

I suffered from depression and sought therapy which Tesla offered at the time of the incident. It took time to process what happened to me due to the shame component. What happened to me shouldn't have happened. I am not the first, nor will I be the last. So many employees face the same experiences but don't come forward like me. They are discouraged, and silenced. I am humbly pleading that the Federal Court keep my case on the docket so I can receive a fair trial from persons on a jury who hold no bias, fear, or interest in Tesla.

I have researched the Appellate Court 9th Circuit Division banning mandatory arbitration agreements. It is in the Supreme Court while injunctions are in place. It's happening now. I'm asking to be protected by it. The California labor code January 31, 2020 went into effect. If I fall into the time period I should be covered.

In the California employment law report in 2019 California enacted AB 51, making it unlawful employment practice for employers to require applicants or employees, as condition of employment, to waive any right, forum, or procedure relating to a Labor Code or FEHA claim..Article by Michael Thompson on September 16, 2021.


Sharmeen Roeth Pro Se litigant
3/7/2022 Brad



1 **CERTIFICATE OF SERVICE OF DOCUMENT OTHER THAN COMPLAINT**

2 * You must serve each document you file by sending or delivering to the opposing side. Complete
3 this form, and include it with the document that you file and serve.*

4 1. Case Name: Lowther v. Tesla

5 2. Case Number: 21-cv-04735-JCS

6 3. What documents were served? Case Management Statement

7 4. How was the document served? [check one]

- 8 Placed in U.S. Mail
9 Hand-delivered
10 Sent for delivery (e.g., FedEx, UPS)
11 Sent by fax (if the other party has agreed to accept service by fax)

12 5. Who did you send the document to? [Write the full name and contact information for
13 each person you sent the document.]

14 Kiran S. Lopez (SBN 252467)

15 Tesla

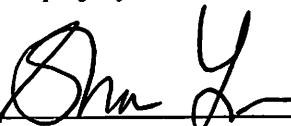
16 901 Page Ave

17 Fremont Ca. 94538

18 6. When were the documents sent? today us. mail

19 7. Who served the documents? [Whoever puts it into the mail, faxes, delivers or sends for
20 delivery should sign, and print their name and address. You can do this yourself.]

21 I declare under penalty of perjury under the laws of the United States that the foregoing
22 is true and correct.

23 Signature: 

24 Name: Shainein Lowther

25 Address: 2004 University Ave 507

Berkeley Ca. 94704